

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA



FILED

12-26-07
04:59 PM

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of a two-track at-grade crossing for the Exposition Boulevard Corridor Light Rail Transit Line across Jefferson Boulevard, Adams Boulevard, and 23rd Street, all three crossings located along Flower Street in the City of Los Angeles, County of Los Angeles, California.

Application 06-12-005
(Filed December 6, 2006)

Application 06-12-020
(Filed December 19, 2006)

Application 07-01-004
(Filed January 2, 2007)

Application 07-01-017
(Filed January 8, 2007)

Application 07-01-044
(Filed January 24, 2007)

Application 07-02-007
(Filed February 7, 2007)

Application 07-02-017
(Filed February 16, 2007)

Application 07-03-004
(Filed March 5, 2007)

Application 07-05-012
(Filed May 8, 2007)

Application 07-05-013
(Filed May 8, 2007)

And Consolidated Proceedings.

**MOTION TO ORDER EXPO AUTHORITY TO FUND LEGAL COUNSEL
FOR EXPO COMMUNITIES UNITED**

DAMIEN WESLEY CLARK GOODMON
Executive Director, Get LA Moving
3062 Stocker Place
Los Angeles, CA 90008

On Behalf of
EXPO COMMUNITIES UNITED
P.O. Box 781267
Los Angeles, CA 90016

Pursuant to Rule 11.1 of the Rules of Practice and Procedure, Expo Communities United (“ECU”) hereby files this “Motion to Order Expo Authority to Fund Legal Counsel for Expo Communities United.”

I. INTRODUCTION

Throughout the proceedings ECU, which is a volunteer organization with no operational budget, has had to participate without legal counsel. This motion is to respectfully and timely order the Exposition Metro Line Construction Authority (“Expo Authority”) to fund legal counsel of ECU's choosing for this matter.

II. THE CONSUMER PROTECTION AND SAFETY DIVISION AND PUBLIC ADVISORS OFFICE HAVE REJECTED ECU'S REQUEST FOR LEGAL ASSISTANCE

All requests by ECU, specifically Damien Goodmon and previously Mark Jolles, for legal assistance from the Public Utilities Commission (“Commission”) Consumer Protection and Safety Division (“CPSD”), and all request for assistance for legal counsel from the Commission's Public Advisors office have been denied.

III. THE FINANCIAL BURDENS OF PARTICIPATING IN THE PROCEEDING HAVE BEEN OVERWHELMING AND UNREASONABLE FOR ECU MEMBERS

The financial hardship of participating in this proceeding long ago passed the level of overwhelming and unreasonable for Mr. Goodmon and other members of ECU,¹ forcing them to severely compromise their personal financial responsibilities. Far more than Commission fees and document requests, the primary financial burden is required time away from work. This sacrifice impacts every aspect of the lives of Mr. Goodmon and

¹ Indeed, Mark Jolles' personal financial burdens required him to demote his participation in the proceeding from protestant to interested party. Additionally, Mr. Goodmon fervently conveyed the personal financial burdens of his participation in the proceeding to ALJ Kenneth Koss, Patrick Berdge of CPSD and Martin Mattes, attorney for the Expo Authority during the November 2, 2007 conference call.

other ECU members. Specifically, from December 6, 2006 to December 24, 2007, Mr. Goodman, who is not a lawyer and has never attended law school, has been the lead legal strategist for ECU, requiring a personal commitment of no less than 2000 hours and resulting in a financial loss that amounts to no less than \$57,600. Mr. Goodman has been forced to make compromises in every aspect of his life related to finances including his disabled mother's care-taking, solely due to ECU's insufficient resources to afford legal counsel.

It is not fair, reasonable or lawful to require or expect members of ECU to abandon their financial obligations to participate in these proceedings, especially considering the high stakes of catastrophic death and injury.²

IV. FORCING ECU TO PARTICIPATE UNREPRESENTED IS *PRIMA FACIE* PREJUDICIAL

The Commission need not spend much time looking into the record to see the damaging effects of ECU participating in these high stakes proceedings without legal counsel or background of law. There have been several errors, including several missed deadlines, unfiled/late filed motions, comments and notifications, insufficiently argued concerns regarding design defects and violations of law, procedural mistakes and other lost opportunities necessary to adequately defend the safety and interests of ECU and the majority-minority and poor communities it stands for.³

If ECU's pursuit for grade separation of currently at-grade crossings in this proceeding is unsuccessful, South LA residents and commuters will die. Allowing such important proceedings to take place with ECU unrepresented is *prima facie* prejudicial.

2 Comparatively, overwhelming personal burdens for individual lawyers for the Expo Authority would simply result in appointment of another able counsel within the law firm of Nossaman, Guthner, Knox & Elliott, LLP or representation by another able law firm.

3 Indeed this motion would not have been submitted today if it had not been suggested by a friend of a friend of Mr. Goodman. Had the suggestion been made a year ago, perhaps by CPSD, the Consumer Advocates office or Expo Authority, in addition to the financial relief to ECU members and their families, it would have likely consumed less commission time to resolve the matter.

V. CONCLUSION

Without legal background or counsel, ECU has to the best of it's ability argued several applicable legal precedences and engineering principles that are violated, and highlighted countless agency documents and policies as validation. Alas, without resources to afford counsel ECU has been defenseless, and forced to wage an impossible battle where lead members lose personal precious resources and more importantly, if the Expo Authority is successful, community members lose life and limb.

Fair participation in the proceeding requires the Expo Authority to fund adequate counsel of ECU's choosing. Forcing ECU to continue without adequate counsel sets a deadly and unjust precedence. The Commission would be stating that the concerns of railroad crossings safety and justice will only be heard by those who have sufficient resources to speak. Such a ruling would further enable design discrepancies, where higher safety and mitigation standards are applied in communities that can afford counsel. In such communities, people will be allowed to live with low to no risk of death and injury, whereas people in communities that cannot afford counsel are injured and killed.

Respectfully submitted,

/s/ DAMIEN W.C. GOODMON

Damien W.C. Goodmon

on behalf of Expo Communities United

P.O. Box 781267

Los Angeles, CA 90016

Tel: (323) 932 - 1959; Email: expocommunities@gmail.com

Date: December 24, 2007